

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claim 1 (canceled)

Claim 2 (withdrawn): The expression plasmid of claim 42 wherein the pol I promoter is proximal to the polyadenylation signal and the pol I terminator sequence is proximal to the pol II promoter.

Claim 3 (withdrawn): The expression plasmid of claim 42 wherein the pol I promoter is proximal to the pol II promoter and the pol I terminator sequence is proximal to the polyadenylation signal.

Claim 4 (withdrawn): The expression plasmid of claim 42 wherein the plasmid has a map selected from the group consisting of pHW2000, pHW11 and pHW12.

Claim 5 (withdrawn): An expression plasmid comprising viral cDNA corresponding to a genomic segment of an influenza virus, wherein the cDNA is inserted between an RNA polymerase I (pol I) promoter and a regulatory element for the synthesis of vRNA or cRNA with an exact 3' end, which are in turn inserted between an RNA polymerase II (pol II) promoter and a polyadenylation signal, and wherein the cDNA only encodes an influenza viral protein.

Claim 6 (canceled)

Claim 7 (withdrawn): The expression plasmid of claim 5, wherein the influenza virus is an influenza A virus.

Claim 8 (withdrawn): The expression plasmid of claim 7, wherein the influenza viral genomic segment (i) encodes a protein selected from the group consisting of a viral polymerase complex protein, M protein, and NS protein; and (ii) is derived from a strain well adapted to grow in cell culture or from an attenuated strain, or both.

Claim 9 (withdrawn): The expression plasmid of claim 5, wherein the virus is an influenza B virus.

Claim 10 (withdrawn): The expression plasmid of claim 8 wherein the plasmid has a map selected from the group consisting of pHW241-PB2, pHW242-PB1, pHW243-PA, pHW245-NP, pHW247-M, and pHW248-NS.

Claim 11 (withdrawn): The expression plasmid of claim 8 wherein the plasmid has a map selected from the group consisting of pHW181-PB2, pHW182-PB1, pHW183-PA, pHW185-NP, pHW187-M, and pHW188-NS.

Claim 12 (withdrawn): The expression plasmid of claim 7, wherein the influenza viral genomic segment comprises a gene selected from the group consisting of a hemagglutinin (HA) gene and a neuraminidase (NA) gene.

Claim 13 (withdrawn): The expression plasmid of claim 12, wherein the influenza gene is from a pathogenic influenza virus strain.

Claim 14 (withdrawn): The expression plasmid of claim 12, wherein the plasmid has a map selected from the group consisting of pHW244-HA, pHW246-NA, pHW184-HA, and pHW186-NA.

Claim 15 (previously presented): A composition which generates infectious influenza viruses from cloned viral cDNA comprising a set of plasmids wherein each plasmid comprises one viral genomic segment, and wherein viral cDNA corresponding to the viral genomic segment is inserted between an RNA polymerase I (pol I) promoter and a regulatory element for the synthesis of vRNA or cRNA with an exact 3' end, which results in expression of vRNA or cRNA, which are in turn inserted between an RNA polymerase II (pol II) promoter and a polyadenylation signal, which results in expression of viral mRNA and a corresponding viral protein, wherein the expression of the full set of vRNAs or cRNAs and viral proteins results in assembly of an infectious influenza virus.

Claim 16 (previously presented): The composition of claim 44, wherein the pol I promoter is proximal to the polyadenylation signal and the pol I terminator sequence is proximal to the pol II promoter.

Claim 17 (previously presented): The composition of claim 44, wherein the pol I promoter is proximal to the pol II promoter and the pol I terminator sequence is proximal to the polyadenylation signal.

Claim 18 (canceled)

Claim 19 (previously presented): The composition of claim 15, wherein the influenza virus is an influenza A virus.

Claim 20 (previously presented): The composition of claim 15, wherein the influenza virus is an influenza B virus.

Claim 21 (previously presented): The composition of claim 19, wherein the viral genomic segment (i) encodes a protein selected from the group consisting of a viral polymerase complex protein, M protein and NS protein; and (ii) is derived from a strain well adapted to grow in cell culture or from an attenuated strain, or both.

Claim 22 (previously presented): The composition of claim 19, wherein the viral genomic segment comprises hemagglutinin (HA) gene, or neuraminidase (NA) gene, or both; wherein said genes are from a pathogenic influenza virus.

Claim 23 (previously presented): The composition of claim 19 wherein said composition comprises one or more plasmids having a map selected from the group consisting of pHW241-PB2, pHW242-PB1, pHW243-PA, pHW244-HA, pHW245-NP, pHW246-NA, pHW247-M, and pHW248-NS.

Claim 24 (previously presented): The composition of claim 19, wherein said composition comprises one or more plasmids having a map selected from the group consisting of pHW181-PB2, pHW182-PB1, pHW183-PA, pHW184-HA, pHW185-NP, pHW186-NA, pHW187-M, and pHW188-NS.

Claim 25 (previously presented): A host cell comprising the composition of claim 15.

Claim 26 (previously presented): A host cell comprising the composition of claim 20.

Claim 27 (previously presented): A host cell comprising the composition of claim 19.

Claim 28 (previously presented): A host cell comprising the composition of claim 22.

Claim 29 (currently amended): A method for producing an infectious influenza virus virion, which method comprises culturing the host cell of claim 25 under conditions that permit production of viral proteins and vRNA or cRNA, whereby an infectious influenza virus is produced.

Claims 30-31 (canceled)

Claim 32 (currently amended): A method for producing a pathogenic influenza virion, which method comprises culturing the host cell of claim 28 under conditions that permit production of viral proteins and vRNA or cRNA, whereby a pathogenic infectious influenza virus is produced.

Claims 33-38 (canceled)

Claim 39 (currently amended): A method for generating an attenuated influenza virus, which method comprises:

- (a) mutating one or more viral genes in the composition of claim 15; and
- (b) determining whether infectious influenza viruses produced by the composition upon introduction into a suitable host cell are attenuated.

Claims 40-41 (canceled)

Claim 42 (withdrawn): The expression plasmid of claim 5, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is an RNA polymerase I (pol I) terminator sequence.

Claim 43 (withdrawn): The expression plasmid of claim 5, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is a ribozyme sequence.

Claim 44 (previously presented): The composition of claim 15, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is an RNA polymerase I (pol I) terminator sequence.

Claim 45 (previously presented): The composition of claim 15, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is a ribozyme sequence.